

# APPLICATION FOR REVIEW

IC File # \_\_\_\_\_

Emp. Code # \_\_\_\_\_

Carrier Code # \_\_\_\_\_

Carrier File # \_\_\_\_\_

The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act

Employer FEIN \_\_\_\_\_

_____		_____
		(employer)
_____	(employee)	_____
		(address)
_____	(address)	v. _____
		(insurer)
		_____
		(address)

\_\_\_\_\_  
(Name of Party) ☐ Plaintiff ☐ Defendant, HEREBY hereby submits this application for review stating grounds

for appeal in the above referenced case to the Full Commission of the North Carolina Industrial Commission. Error is alleged as follows:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_

(If additional space is needed, attach another page.)

All grounds for appeal not specifically set forth herein are hereby waived and abandoned except as otherwise provided by law and the rules of the Industrial Commission. The undersigned hereby certifies that a copy of this document has been served on opposing party or parties.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SEE NEXT PAGE FOR INSTRUCTIONS FOR FILING FORM

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## INSTRUCTIONS

THREE signed copies of Form 44 must be sent to the Commission and one copy to the opposing parties or their counsel. If a brief is filed, the Commission must be furnished three copies and a copy must be sent to the appellee. Time for filing of a brief and Form 44 is set out in the rules appearing below:

### ARTICLE VII. APPEALS

#### RULE 701. APPEAL TO THE FULL COMMISSION

(1) A letter expressing an intent to appeal shall be considered notice of appeal to the Full Commission within the meaning of N.C. Gen. Stat. § 97-85, provided that it clearly specifies the Order or Opinion and Award from which appeal is taken.

(2) After receipt of notice of appeal, the Industrial Commission will supply to the appellant a Form 44 Application for Review upon which appellant must state the grounds for the appeal. The grounds must be stated with particularity, including the specific errors allegedly committed by the Commissioner or Deputy Commissioner and, when applicable, the pages in the transcript on which the alleged errors are recorded. Failure to state with particularity the grounds for appeal shall result in abandonment of such grounds, as provided in paragraph (3). Appellant's completed Form 44 and brief must be filed and served within 25 days of appellant's receipt of the transcript or receipt of notice that there will be no transcript, unless the Industrial Commission, in its discretion, waives the use of the Form 44. The time for filing a notice of appeal from the decision of a Deputy Commissioner under these rules shall be tolled until a timely motion to reconsider or to amend the decision has been ruled upon by the Deputy Commissioner.

(3) Particular grounds for appeal not set forth in the application for review shall be deemed abandoned, and argument thereon shall not be heard before the Full Commission.

(4) Appellant's Form 44 and brief in support of his grounds for appeal shall be filed in triplicate with the Industrial Commission, with a certificate indicating service on appellee by mail or in person, within 25 days after receipt of the transcript, or receipt of notice that there will be no transcript. Thereafter, appellee shall have 25 days from service of appellant's brief within which to file a reply brief in triplicate with the Industrial Commission, with written statement of service of copy by mail or in person on appellant. When an appellant fails to file a brief, appellee shall file his brief within 25 days after appellant's time for filing brief has expired. A party who fails to file a brief will not be allowed oral argument before the Full Commission. If both parties appeal, they shall each file an appellant's and appellee's brief on the schedule set forth herein. The parties may file with the Docket Director a written stipulation to a single extension of time for each party, not to exceed 30 days, if the matter has not been calendared for hearing.

(5) After notice of appeal has been given to the Full Commission, any motions related to the issues before the Full Commission shall be filed in triplicate with the Full Commission, with service on the other parties.

(6) No new evidence will be presented to or heard by the Full Commission unless the Commission in its discretion so permits.

(7) Cases should be cited by North Carolina Reports and, preferably, to Southeastern Reports. Counsel shall not discuss matters outside the record, assert personal opinions or relate personal experiences, or attribute unworthy acts or motives to opposing counsel.

(8) The Industrial Commission or any one of the parties with permission of the Industrial Commission may waive oral argument before the Full Commission. In the event of such waiver, the Full Commission will file a decision, based on the record, assignments of error and briefs.

(9) A plaintiff appealing the amount of a disfigurement award shall personally appear before the Full Commission to permit the Full Commission to view the disfigurement.

(10) Briefs to the Full Commission shall not exceed 35 pages, excluding attachments. (See Rule 701(10) for additional requirements).

(Effective date: 2008)

**NOTE: Failure to specify grounds for appeal will result in dismissal of the appeal.**

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